

Appendix C. Nos. 1—5.

APPENDIX C.

DISCOVERY, INSPECTION AND ADMISSION.

No. 1.

ORDER FOR DELIVERY OF INTERROGATORIES. (O. 11, r. 1.)

In the Court of
Civil Suit No.

of 19

A. B.

against

Plaintiff

C. D., E. F. and G. H.

Defendants.

Upon hearing _____ and upon reading the affidavit of _____ filed the
day of _____ 19 ____; It is ordered that the _____ be at liberty
to deliver to the _____ interrogatories in writing, and that the said
do answer the interrogatories as prescribed by Order XI, rule 8, and that the costs
of this application be _____

No. 2.

INTERROGATORIES. (O. 11, r. 4.)

(Title as in No. 1, supra.)

Interrogatories on behalf of the abovenamed [plaintiff or defendant C. D.] for
the examination of the abovenamed [defendants E. F. and G. H. or plaintiff].

1. Did not, etc.

2. Has not, etc.

etc.

etc.

etc.

[The defendant E. F. is required to answer the interrogatories numbered.]

[The defendant G. H. is required to answer the interrogatories numbered.]

No. 3.

ANSWER TO INTERROGATORIES. (O. 11, r. 9.)

(Title as in No. 1, supra.)

The answer of the abovenamed defendant E. F. to the interrogatories for his
examination by the abovenamed plaintiff.

In answer to the said interrogatories, I, the abovenamed E. F., make oath and
say as follows:—

1.

2.

3.

Enter answers to interrogatories in paragraphs numbered consecutively.

I object to answer the interrogatories numbered _____ on the ground that
[state grounds of objection].

No. 4.

ORDER FOR AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 12.)

(Title as in No. 1, supra.)

Upon hearing _____
It is ordered that the _____ do within _____ days from the date of this
order, answer on affidavit stating which documents are or have been in his possession
or power relating to the matter in question in this suit and that the costs of this
application be _____

No. 5.

AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 13.)

(Title as in No. 1, supra.)

1, the abovenamed defendant C. D., make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in
question in this suit set forth in the first and second parts of the first schedule hereto.

2. I object to produce the said documents set forth in the second part of the
first schedule hereto [state grounds of objection].

3. I have had, but have not now, in my possession or power the documents
relating to the matters in question in this suit set forth in the second schedule
hereto.

4. The last mentioned documents were last in my possession or power on
[state when and what has become of them, and in whose possession they now are].

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5. According to the best of my knowledge, information and belief I have not now, and never had, in my possession, custody or power, or in the possession, custody or power of my pleader or agent, or in the possession, custody or power of any other person on my behalf, any account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in the said first and second schedules hereto.

No. 6.

ORDER TO PRODUCE DOCUMENTS FOR INSPECTION. (O. 11, r. 14.)

(Title as in No. 1, *supra*.)

Upon hearing _____ and upon reading the affidavit of _____ filed the day of _____ 19 ____; It is ordered that the do, at all seasonable times, on reasonable notice, produce at _____, situate at _____, the following documents, namely, _____, and that the _____ be at liberty to inspect and peruse the documents so produced, and to make notes of their contents. In the meantime it is ordered that all further proceedings be stayed and that the costs of this application be _____.

No. 7.

NOTICE TO PRODUCE DOCUMENTS. (O. 11, r. 16.)

(Title as in No. 1, *supra*.)

Take notice that the [plaintiff or defendant] requires you to produce for his inspection the following documents referred to in your [plaint or written statement or affidavit dated the _____ day of _____ 19 ____].
Describe documents required. _____ X. Y., Pleader for the
To Z., Pleader for the _____

No. 8.

NOTICE TO INSPECT DOCUMENTS. (O. 11, r. 17.)

(Title as in No. 1, *supra*.)

Take notice that you can inspect the documents mentioned in your notice of the day of _____ 19 ____ [except the documents numbered _____ in that notice] at [insert place of inspection] on Thursday next, the _____ instant, between the hours of 12 and 4 o'clock.

Or, that the [plaintiff or defendant] objects to giving you inspection of documents mentioned in your notice of the day of _____ 19 ____, on the ground that: [state the ground] :—

No. 9.

NOTICE TO ADMIT DOCUMENTS. (O. 12, r. 3.)

(Title as in No. 1, *supra*.)

Take notice that the plaintiff [or defendant] in this suit proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [or plaintiff], his pleader or agent, at _____ on _____ between the hours of _____ and the defendant [or plaintiff] is hereby required, within forty-eight hours from the last mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or delivered were so served, sent or delivered, respectively, saving all just exceptions to the admissibility of all such documents as evidence in this suit.

G. H., pleader [or agent] for plaintiff [or defendant].

To E. F., pleader [or agent] for defendant [or plaintiff].

[Here describe the documents and specify as to each document whether it is original or a copy.]

No. 10.

NOTICE TO ADMIT FACTS. (O. 12, r. 5.)

(Title as in No. 1, *supra*.)

Take notice that the plaintiff [or defendant] in this suit requires the defendant [or plaintiff] to admit for the purposes of this suit only, the several facts respectively hereunder specified; and the defendant [or plaintiff] is hereby required, within six

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days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this suit.

G. H., pleader [or agent] for plaintiff [or defendant].

To E. F., pleader [or agent] for defendant [or plaintiff].

The facts, the admission of which is required, are—

1. That M. died on the 1st January 1890.
2. That he died intestate.
3. That N. was his only lawful son.
4. That O. died on the 1st April 1896.
5. That O. was never married.

No. 11.

ADMISSION OF FACTS PURSUANT TO NOTICE. (O. 12, r. 5.)

(Title as in No. 1, *supra*.)

The defendant [or plaintiff] in this suit, for the purposes of this suit only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of any such facts, or any of them, as evidence in this suit:

Provided that this admission is made for the purposes of this suit only, and is not an admission to be used against the defendant [or plaintiff] on any other occasion or by any one other than the plaintiff [or defendant, or party requiring the admission].

E. F., pleader [or agent] for defendant [or plaintiff].

To G. H., pleader [or agent] for plaintiff [or defendant].

Facts admitted	Qualifications or limitations, if any, subject to which they are admitted
1. That M. died on the 1st January, 1890	1.
2. That he died intestate	2.
3. That N. was his lawful son	3. But not that he was his only lawful son.
4. That O. died	4. But not that he died on the 1st April 1886.
5. That E. was never married	5.

Judge.

No. 12.

NOTICE TO PRODUCE (GENERAL FORM.) (O. 12 r. 8.)

(Title as in No. 1, *supra*.)

Take notice that you are hereby required to produce and show to the Court at the first hearing of this suit all books, papers, letters, copies of letters and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this suit, and particularly

G. H., pleader [or agent] for plaintiff [or defendant]

To E. F., pleader [or agent] for defendant [or plaintiff].